

REMARKS

Claims 1, 3-8 and 10-33 are pending in the present application prior to entry of this amendment. By virtue of this response, claims 13-15 and 19-32 have been canceled, claims 1 and 12 have been amended, and new claims 34 and 35 are added. Accordingly, claims 1, 3-8, 10-12, 16-18, and 33-35 are currently under consideration after entry of this amendment. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Information Disclosure Statement of September 2, 2005

A Supplemental Information Disclosure Statement was filed on September 2, 2005 in this application, and appears on the Patent Application Information Retrieval Web page for this application (dated 09-02-2005). However, the initialed Form PTO/SB/08 does not appear on the PAIR site and has not been received by the undersigned agent for Applicants. The Examiner is respectfully requested to consider the references filed with the Information Disclosure Statement of September 2, 2005, and return the initialed Form PTO/SB/08, indicating that the references have been made of record in the application.

New Supplemental Information Disclosure Statement

A Supplemental Information Disclosure Statement also accompanies this response. The patent publication in the Supplemental Information Disclosure Statement, FR 2,764,605, was cited in the International Search Report of a counterpart application. This publication was included on the Form PTO/SB/08 filed with the Information Disclosure Statement of June 13, 2005; however, the publication was crossed off of the form that was returned with the Office Action of September 12, 2005.

The reference is re-submitted with an Information Disclosure Statement that accompanies this response, along with a concise statement as required by 37 C.F.R. § 1.98(a)(3)(i) for non-English language references. Database abstracts for the publication are also included and listed on the Form PTO/SB/08. The Examiner is respectfully requested to consider the references

submitted with this Information Disclosure Statement of even date, and return the initialed Form PTO/SB/08, indicating that the references have been made of record in the application.

Rejection of Claims Under 35 U.S.C § 112, first paragraph

Claims 13-15 and 19-32 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Claims 13-15 and 19-32 allegedly contain subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention without undue experimentation.

In response, claims 13-15 and 19-32 have been canceled, and according this rejection is rendered moot.

Allowed Claims

Applicants thank the Examiner for indicating that claims 1, 3-8, 10-12, 16-18 and 33 are allowed.

New Claims and Claim Amendments

Claim 1 has been amended to strike the word “and” from the middle of a list.

Claim 12 has been amended to clarify the structure of mesoporphyrin IX and of the R group by making the methyl groups explicit, making the carbonyl groups of the amides explicit, and by placing a wavy line to indicate where the R group is attached to the remainder of the structure. This amendment is supported by Example 1 at paragraphs 58-60, pages 25-26, of the instant specification. Note that the use of the Haworth convention in drawing the daunosamine moiety of doxorubicin is explicitly stated at paragraph 60, page 26. Accordingly, no new matter has been added.

New claims 34 and 35 are added, which add the limitation of a pharmaceutically acceptable carrier to the compositions of claims 1 and 12, respectively. This is supported at paragraph 57, pages 23-25 (see, e.g., the first sentence of paragraph 57) of the instant specification. No new matter has been added.

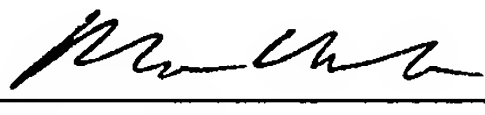
CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 578562000900. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By 
Robert K. Cerpa
Registration No.: 39,933
MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304-1018
(650) 813-5715